

1 Amend 2 Cal. Code Regs. section 18944 to read:

2
3 **§ 18944. ~~Valuation of Gifts to An Official or Candidate's Immediate and His or Her~~**
4 **~~Family.~~**

5
6 (a) ~~For purposes of Government Code section 82028, a Gifts gift given directly to a~~
7 ~~public members of an official's immediate family are is not a gifts to the official unless it confers~~
8 ~~a personal benefit on the official. Even if a gift confers a personal benefit on an official, it is not~~
9 ~~a gift to the official if he or she can show that there was no donor intent to make a gift as~~
10 ~~outlined in factors under subdivision (b). A gift to the official's immediate family does not~~
11 ~~"confer a personal benefit" when one of the following applies: used or disposed of by the official~~
12 ~~or given by the recipient member of the official's immediate family to the official for disposition~~
13 ~~or use at the official's discretion.~~

14 (1) Use and Benefit: The official does not enjoy direct benefit from the gift or the
15 official's use is nominal or incidental to the use by the immediate family; or

16 (2) Control Over the Gift: The official does not have discretion or control over who
17 will use the gift and cannot dispose of the gift; or

18 (3) Name of Official or Candidate: ~~(b) The Gifts gift is~~ delivered by mail or other
19 written communication and the ~~are given directly to members of the official's immediate family~~
20 ~~if the family members' names or familial designations-(such as "spouse") of the member or~~
21 members of the immediate family appear in the address on the envelope or in the communication
22 tendering or offering the gift, ~~and the gift is intended for their use or enjoyment.~~

23 ~~(c) A gift given to the official, but designated for the official and spouse or family, is a~~
24 ~~gift to the official if the official exercises discretion and control over who will actually use the~~
25 ~~gift.~~

1 (b) Circumstances that may negate a donor's intent to make a gift to the official, include
2 but are not limited to, factors such as:

3 **(1) Relationship between donor and recipient:** The existence of a working or social
4 relationship between the donor and the official's spouse or dependent child or children, that will
5 rebut any inference that the donor intended to make a gift to the official.

6 **(2) Nature of the gift:** It is clear from the nature of the gift that only the official's
7 immediate family members can use or enjoy direct benefit from the gift (such as a baby shower
8 gift).

9 ~~(c)(d)~~ When a public If the official and his or her immediate family members enjoys
10 direct benefit from a single gift, as well as members of the official's family, the full value of the
11 gift is attributable to the official.

12 (d) This regulation also applies to candidates subject to the gift limits under section
13 89503.

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15 Note: Authority cited: Section 83112, Government Code.

16 Reference: Section 82028, Government Code.